

AMENDMENT FORM

Suggestion for amendment of **Article 16: Flexibility clause**

By Mr Dick Roche, Representative of the Government of Ireland

Status : Member

Article 16: Flexibility clause

1. If action by the Union should prove necessary within the framework of the policies defined in Part Two to attain one of the objectives set by this Constitution, and the Constitution has not provided the necessary powers, the Council, acting unanimously ~~on a proposal from the Commission and after obtaining the assent of the European Parliament~~, shall take the appropriate measures.
2. **Where the Commission has sole right of initiative, the Council shall only act on a proposal from the Commission and after obtaining the assent of the European Parliament.**
3. Using the procedure for monitoring the subsidiarity principle referred to in Article 9, the Commission shall draw Member States' national parliaments' attention to proposals based on this Article.
4. Provisions adopted on the basis of this Article may not entail harmonisation of Member States' laws or regulations in cases where the Constitution excludes such harmonisation.

Explanation (if any) :

In extending the current Article 308 TEC beyond the existing First Pillar, to make it clear that different procedures will apply where the Commission does not have sole right of initiative.